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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,994	09/18/2001	Sven K. Esche	SIT-0106	2909
26259	7590	03/02/2004	EXAMINER	
LICATLA & TYRRELL P.C. 66 E. MAIN STREET MARLTON, NJ 08053			BURCH, MELODY M	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/954,994	ESCHE ET AL. <i>SW</i>
	Examiner Melody M. Burch	Art Unit 3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 06 January 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 2 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 January 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Information Disclosure Statement***

1. The information disclosure statement filed 1/6/04 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Specification***

2. The disclosure is objected to because of the following informalities:

- Both element numbers "10" and "42" are used to describe the upper pressure chamber in the specification. Although Applicant argues that element number 42 is intended to represent the bottom side of the upper chamber, the specification does not reflect such an intention. Examiner recommends amending the specification to read --a bottom side 42 to the upper pressure chamber 10-- a similar issue exists with the lower pressure chamber represented by both element numbers "12" and "52".

Appropriate correction is required.

### ***Claim Objections***

3. Claim 2 is objected to because of the following informalities: the phrase "the operation point" in line 4 should be changed to --an operation point-- similar to the changes made in claim 1. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claim 2 rejected under 35 U.S.C. 102(a) as being anticipated by JP2000-291725 (JP '725). JP '725 shows in figure 1 a device for adaptive vibration attenuation comprising a passive isolator 14a,14b with a nonlinear force-deflection characteristic as disclosed in line 3 of the novelty section of the English abstract and a mechanical actuator 22,28 which varies the operating point of the passive isolator along the force-deflection characteristic wherein the mechanical actuator is comprised of a spring 28, and a means 22 for externally controlling a preload to the spring.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6371462 to Gennesseaux in view of US Patent 5700000 to Wolf et al. Gennesseaux shows in figure 1 a device for adaptive vibration attenuation

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comprising a passive isolator 5 with a force-deflection characteristic and a pneumatic actuator P, 17, 49 which varies the operating point of the isolator along the force-deflection characteristic wherein the pneumatic actuator comprises at least one pressure chamber P wherein air pressure in the pressure chamber can be externally controlled via elements 50, 51, 52, 55.

Gennesseaux does not disclose that the force-deflection characteristic of the passive isolator 5 is non-linear.

Wolf et al. teach in figure 6 and in col. 4 lines 30-47 the use of a vibration attenuation device comprising a passive isolator 2 with a non-linear force-deflection characteristic.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the passive isolator of Gennesseaux to have been constructed such that it had a non-linear force-deflection characteristic, as taught by Wolf et al., in order to provide a means of allowing good damping and preventing shaking even at large amplitudes of perturbation as taught by Wolf et al. in col. 4 lines 43-45.

*mb 2/25/04*

#### ***Response to Arguments***

8. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

9. Applicant's arguments filed 1/6/04 have been fully considered but they are not persuasive. With regard to claim 2, Applicant argues that JP'725 fails to show a passive isolator. Applicant admits at the bottom of pg. 2 of the instant application that active isolators are actuated by feedback control devices and that

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the actuation is commonly achieved by pneumatic, hydraulic, piezoelectric or magnetostrictive drivers. An example of an active isolator is clearly shown in figure 1 of Gennesseaux in which the pressure in a pneumatic chamber P and thus the damping capacity of the overall device is controlled by a solenoid 50 and a control circuit 51. The isolator 14a,14b is passive since its actuation is not based on an external control such as the solenoid and the control circuit of Gennesseaux provided to sense dynamic disturbance and consequently cancel the resulting motion, but instead on the dynamic mass of an element situated on top of element 24 of the device of JP '725. The fact that the device of JP'725 includes a mass 12 is more specific than the claim language.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 703-306-4618. The examiner can normally be reached on Monday-Friday (7:30 AM-4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mmB  
mmB

February 25, 2004

*Melody M. Bouch*  
2/25/04